IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7765 of 2004

Between:

Pendyala Bayakka

..... PETITIONER

AND

1. The Govt., of A.P.., rep. by its Secretary, Revenue, Freedom Fighters Department, Secretariat, Hyderabad.
2. The District Collector, Adilabad.
3. The Mandal Revenue Officer Chinnoor, Adilabad District.
4. Revenue Divisional Officer Manchiryal, Adilabad District.
5. The Union of India, rep. by its Under Secretary, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of mandamus directing the respondents 2 to 4 herein to submit the verification report of the petitioner to the first respondent to enable the 1st respondent to forward the same to the 5th respondent to as to consider the same by the 5threspondent for grant of freedom Fighters pension under Swatantra Sainik Samman Pension Scheme 1980 within a period of two weeks from the date of receipt of the copy by duly declaring the action of the respondents 2 to 4 herein in not forwarding the verification report of the petitioner to the 1st respondent though the 1st respondent issued Memo No.69954/FF/A/99-8 dt: 16-6-2001 calling jupon them to submit verification report of the petitioner to enable him to forward the same to the 5th respondent as illegal, arbitrary and contrary to the true intent of Swatantra Sainik Samman Pension Scheme 1980.

Counsel for the Petitioner:MR.VENKATESHWAR VARANASI

Counsel for the Respondent Nos.1 to 4 : GP FOR REVENUE

Counsel for the Respondent No.5 : ..

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government pleader for Revenue appearing for the respondents 1 to 4.

The petitioner, who claims to be the wife of one late Lakshmaiah, a freedom fighter, filed this writ petition seeking a direction to the respondents 2 to 4 to forward the verification report of the petitioner's husband to the first respondent in terms of the Memo No.69954/a/99-8 dated 16.06.2001 so as to enable the first respondent to send the same to the fifth respondent-Union of India, for granting freedom fighters pension to her under Swatantra Sainik Sanman pension scheme, 1980 (for short "the scheme").

In the affidavit filed in support of the writ petition it is stated that the husband of the petitioner late Lakshmaiah was a freedom fighter and that after his death she

made an application to the fifth respondent in the year 1997 to grant pension under the scheme duly submitting all the relevant documents. The Special screening committee has recommended the case of the petitioner to the fifth respondent on 25.03.1998. Thereafter the fifth respondent, vide letter dated 01.05.2001, has called for a verification report from the Revenue authorities to enable it to consider the request of the petitioner for freedom fighters pension. The only grievance of the petitioner in this writ petition is that in spite of the fact that the petitioner has called for the verification report as long back as on 01.05.2001, the respondents 2 to 4 failed to take any action. Hence this writ petition.

Having heard the learned counsel for the petitioner, and the learned Government Pleader appearing for the respondents 1 to 4, without expressing any opinion with regard to the entitlement of the petitioner for the freedom fighters pension under the scheme, the writ petition is disposed of with a direction to the respondents 2 to 4 to submit the verification report of the husband of the petitioner to the first respondent to enable it to forward the same to the fifth respondent for considering the case of the petitioner for grant of freedom fighters pension under the scheme, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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G. ROHINI, J

Dated : 15th December, 2004.

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To

1. The Secretary for Revenue, Govt., of A.P, Freedom Fighters Department, Secretariat, Hyderabad.
2. The District Collector, Adilabad.
3. The Mandal Revenue Officer Chinnoor, Adilabad District.
4. Revenue Divisional Officer Manchiryal, Adilabad District.
5. The Secretary, Union of India, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.

6. 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad(OUT).

7. 2CD copies.